

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
March 20, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:20 A.M. on March 20, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, President
Peregrin Francisco, R.N., M.S.A.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Jodi P. Power, R.N., J.D., Deputy Executive Director, Nurse Aide Registry Manager
Brenda Krohn, R.N., M.S. Deputy Executive Director, Medication Aide Registry Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT: Ishneila Moore, Assistant Attorney General
Students from Sentara Norfolk General School of Nursing. Registered Nursing Program and Portsmouth Public Schools Practical Nursing Program

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS: **Octavia Johnson, C.N.A Applicant**
Ms. Johnson appeared. Pat Isaacs served as interpreter for Ms. Johnson. Frank Pedrotty, Senior Assistant Attorney General and Anne Joseph, Administrative Proceedings Division, represented the Commonwealth. Ishneila Moore, Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Christine Joseph, Virginia Commonwealth University faculty and former instructor at J. Sargeant Reynolds Community College Nurse Aide Program.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 10:23 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Johnson. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Mitchell, Ms. Davis and Ms.

Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 10:52 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Pedrotty and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing grant approval for Octavia Johnson to take the NNAAP examination and to issue an unrestricted certificate upon successful completion of the exam.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Mitchell left the meeting, Ms. Power joined the meeting.

RECESS:

The Board recessed at 10:55 A.M.

RECONVENTION:

The Board reconvened at 11:00 A.M.

FORMAL HEARING:

Monica L. Whiting, C.N.A. 1401-071081

Ms. Whiting did not appear.

Emily Field, Adjudication Specialist, represented the Commonwealth. Ishneila Moore, Assistant Attorney General was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Lori Michaud; and Barbara Beck, C.N.A. were present and testified.

Ms. Mitchell rejoined the meeting.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 12:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Whiting. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Krohn, Ms. Power, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and approved unanimously.

RECONVENTION:

The Board reconvened in open session at 12:28 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and approved unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Field, and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing revoke the nurse aide certificate of Monica Whiting with a finding of abuse, neglect and misappropriation of patient property.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Georgina M. Waters, R.N. 0001-100056

Ms. Waters appeared, accompanied by her daughter Jennifer Waters.

LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Ishneila Moore, Assistant Attorney General, was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Colonel George T. Brandt, M.D. was present and testified. William Addison Hurst, Senior Investigator, Department of Health Professions testified by telephone.

CLOSED MEETING:

Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(15) of the *Code of Virginia* at 1:50 P.M. for the purpose of consideration and discussion of medical records of Ms. Waters that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Davis, Ms. Power, Ms. Mitchell, Ms. Carter, Ms. Moore, Ms. J. Water, Ms. G. Waters, Col, Brandt, and Ms. Spinner attend the closed meeting because their attendance in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened at 2:30 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 2:44 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Waters. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Power, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:03 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing dismiss the case in the matter of Georgina Waters due to insufficient evidence of a violation of law or regulation governing nursing practice. The motion was seconded and carried. Ms. Francisco, Ms. Lindsay, Ms. Lane, Ms. Cooper and Mr. Logan were in favor of the motion. Ms. Ponn opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 3:04 P.M.

RECONVENTION: The Board reconvened at 3:14 P.M.

FORMAL HEARINGS: **Tracy Delduco, L.P.N. 0002-070945**
Ms. Delduco did not appear.
LaRhonda Carter, Adjudication Specialist, represented the Commonwealth. Ishneila Moore, Assistant Attorney General, was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager, Department of Health Professions; Jennifer Sears-Cockram, Case Manager, Health Practitioners Intervention Program was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 3:34 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Delduco. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 3:40 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing indefinitely suspend the license of Tracy Delduco for a period of not less than two years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Ella Nobles, L.P.N. 0002-019593

The case in the matter of Ella Nobles did not proceed due to the fact the Board received information that Ms. Nobles was deceased.

Ms. Francisco left the meeting.

FORMAL HEARINGS:

Debora P. Smith, L.P.N. 0002-038141

Ms. Smith appeared.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Ishneila Moore, Assistant Attorney General, was legal counsel for the Board. Sandra Spinner, court reporter, recorded the proceedings.

Kim Martin, Senior Investigator, Department of Health Professions was present and testified. Martha Williams, Heritage Hall, testified by telephone.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(28) of the *Code of Virginia* at 4:52 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Smith. Additionally, Ms. Lindsay moved that Ms. Douglas, Ms. G. Mitchell, Ms. Davis and Ms. Moore attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:29 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. A. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

Ms. Lane moved that the Board of Nursing issue an order to reprimand Debora Smith and to further place Ms. Smith on probation for a period of not less than two years with terms and conditions. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:30 P.M.

Lynne M. Cooper, Citizen Member
President